

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ROBERT GREGORY,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICERS JOHN DOE #1-2 (the
name "John Doe" being fictitious as the true names are presently
unknown), individually and in their official capacity as New York
City Police Officers,

Defendants.

Index No.: _____

Date Purchased: _____

SUMMONS

Plaintiff designates New York
County as the place of trial.

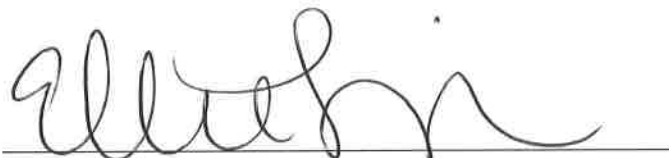
The basis of venue is: Place of
Occurrence

Plaintiff resides at:
317 West 45th Street,
New York, NY
County of New York

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
September 4, 2014



Ellie A. Silverman, Esq.
NOVO LAW FIRM, PC
Attorneys for Plaintiff
ROBERT GREGORY
299 Broadway, 17th Floor
New York, New York 10007
212-233-6686
Our File No. 13-3046

TO:

THE CITY OF NEW YORK, Municipal Building • New York, New York 10007
NEW YORK CITY POLICE DEPARTMENT, 100 Church Street, New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ROBERT GREGORY,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, POLICE OFFICERS JOHN DOE #1-2 (the
name "John Doe" being fictitious as the true names are presently
unknown), individually and in their official capacity as New York
City Police Officers,

Defendants.

Index No.: _____

Date Purchased: _____

**VERIFIED
COMPLAINT**

Plaintiff **ROBERT GREGORY** by his attorneys **NOVO LAW FIRM, PC** complaining of
Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and
POLICE OFFICERS JOHN DOE #1-2 respectfully alleges, upon information and belief:

PARTIES

1. Plaintiff **ROBERT GREGORY** was, and still is, an individual residing at 317 West 45th Street, County of New York, State of New York.
2. Defendant **THE CITY OF NEW YORK** was, and still is, at all times relevant herein, a municipal corporation duly incorporated and existing under and by virtue of the laws of the State of New York.
3. Defendant **NEW YORK CITY POLICE DEPARTMENT** was, and still is, at all times relevant herein, a municipal corporation established and maintained by Defendant **THE CITY OF NEW YORK**.
4. Defendant **THE CITY OF NEW YORK** was, and still is, at all times relevant herein, a municipal entity created and authorized under the laws of the State of New York. It is authorized to maintain a police department, which acts as its agent in the area of law enforcement and for which it is ultimately responsible. Defendant **THE CITY OF NEW YORK** assumes the risks incidental to the maintenance of a police force and the employment of police officers as said risk attaches to the public consumers of the services provided by Defendant **NEW YORK CITY POLICE DEPARTMENT**.
5. Defendants **POLICE OFFICERS JOHN DOE #1-2**, were, and still are, at all times relevant herein, duly appointed and acting officers, servants, employees and agents of Defendant **NEW YORK CITY POLICE DEPARTMENT** a municipal agency of Defendant **THE CITY OF NEW YORK**.

6. Defendants **POLICE OFFICERS JOHN DOE #1-2**, were, and still are, at all times relevant herein, acting under color of state law in the course and scope of their duties and functions as officers, agents, servants, and employees of Defendant **THE CITY OF NEW YORK** and were acting for, and on behalf of, and with the power and authority vested in them by Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and were otherwise performing and engaging in conduct incidental to the performance of their lawful functions in the course of their duties.
7. Defendants **POLICE OFFICERS JOHN DOE #1-2**, were, and still are, at all times relevant herein, male New York City Police Officers.
8. On October 17, 2013, and within the time prescribed by law, a sworn Notice of Claim stating, among other things, the time when and the place where the injuries and damages were sustained, together with Plaintiff's demands for adjustment thereof was duly served on Plaintiff's behalf on the Comptroller of Defendant **THE CITY OF NEW YORK** and that, thereafter, said Comptroller for Defendant **THE CITY OF NEW YORK** refused or neglected for more than thirty (30) days, and up to the commencement of this action, to make any adjustment or payment thereof, and that, thereafter, and within the time provided by law, this action was commenced.
9. On August 5, 2014, pursuant to General Municipal Law § 50(h), a hearing was held at the office of a designated agent.

FACTS

10. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
11. On or about September 6, 2013, at approximately 9:00 P.M., Plaintiff **ROBERT GREGORY** was arrested while inside the premises known as K-Mart, located at 250 West 34th St, New York, NY 10119.
12. Plaintiff was then taken to the Midtown South Precinct located at 357 West 35th Street, where he became a victim of police misconduct, police brutality and malicious and sadistic force.
13. When Plaintiff **ROBERT GREGORY** was being placed into a holding cell, he was approached by Defendants **POLICE OFFICERS JOHN DOE #1-2**, New York City Police Officers who, without reasonable suspicion, without probable cause and without any threat to Defendants' safety or reasonable belief of unlawful activity, proceeded to violently and unlawfully push, shove, hit, kick, grab, assault, and batter Plaintiff, as well as verbally harass him.

14. Upon information and belief, Defendants pushed Plaintiff into the bars of the cell multiple times, causing severe injuries and pain.
15. Upon information and belief, all of Plaintiff's medications were taken away from him and were not returned.
16. With deliberate indifference to his obvious and serious medical needs, he was deprived of all medical attention for several hours.
17. He was then handcuffed and transported to Bellevue Hospital, where he finally received emergency room care.
18. Upon discharge from the hospital, Plaintiff was transported to Central Bookings where he was photographed, fingerprinted and placed in a holding cell.
19. During this time in Central Bookings, Claimant **ROBERT L. GREGORY** was denied food, water and his necessary medication which resulted in him having uncontrolled urination problems and anxiety.
20. After approximately twenty-four (24) hours in the custody of Defendants, Plaintiff was seen by a judge and released.

AS AND FOR A FIRST CAUSE OF ACTION
DEPRIVATION OF RIGHTS UNDER THE
UNITED STATES CONSTITUTION and 42 U.S.C. § 1983
BY THE CITY OF NEW YORK

21. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
22. At all times material to this complaint, Defendant **THE CITY OF NEW YORK** acting through its police department and through Defendants **POLICE OFFICERS JOHN DOE #1-2**, had in effect actual and/or *de facto* policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.
23. At all times material to this complaint, Defendant **THE CITY OF NEW YORK** acting through its police department, and through Defendants **POLICE OFFICERS JOHN DOE #1-2**, had in effect and/or *de facto* policies, practices, customs and usages of failing to properly train, screen, supervise and discipline employees and police officers, and of failing to inform the individual Defendant's supervisors of the need to train, screen, supervise and discipline said Defendant. The policies, practices, customs, and usages were a direct and proximate cause of the unconstitutional conduct alleged herein.

24. Defendant **THE CITY OF NEW YORK** acting through its police department, and through Defendants **POLICE OFFICERS JOHN DOE #1-2**, being aware that such lack of training, screening, supervision, and discipline leads to improper conduct, acted with deliberate indifference in failing to establish a program of effective training, screening, supervision and discipline. Defendant **THE CITY OF NEW YORK** being aware that the persistent and substantial risk of improper detention of persons based upon insufficient or incorrect information, and effective training, screening, supervision and discipline would lessen the likelihood of such occurrences. There are recurrent circumstances which involve such potential danger to the constitutional rights of citizens, more specifically Plaintiff **ROBERT GREGORY** and which are officially tolerated by Defendant **THE CITY OF NEW YORK**. Such policies, practices, customs or usages were a direct and proximate cause of the conduct alleged herein and otherwise a direct and proximate cause of the harm/damages alleged herein, in violation of Plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its First, Fourth, Eighth and Fourteenth Amendments.
25. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered specific physical, psychological and emotional injuries, emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A SECOND CAUSE OF ACTION
DEPRIVATION OF RIGHTS UNDER THE
UNITED STATES CONSTITUTION and 42 U.S.C. § 1983
BY NEW YORK CITY POLICE DEPARTMENT

26. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
27. At all times material to this complaint, Defendant **NEW YORK CITY POLICE DEPARTMENT** acting through its police department and through Defendants **POLICE OFFICERS JOHN DOE #1-2**, had in effect actual and/or *de facto* policies, practices, customs and usages which were a direct and proximate cause of the unconstitutional conduct alleged herein.
28. At all times material to this complaint, Defendant **NEW YORK CITY POLICE DEPARTMENT** acting through Defendants **POLICE OFFICERS JOHN DOE #1-2**, had in effect and/or *de facto* policies, practices, customs and usages of failing to properly train, screen, supervise and discipline employees and police officers, and of failing to inform the individual Defendants' supervisors of the need to train, screen, supervise and discipline said Defendants. The policies, practices, customs, and usages

were a direct and proximate cause of the unconstitutional conduct alleged herein.

29. Defendant **NEW YORK CITY POLICE DEPARTMENT** acting through Defendants **POLICE OFFICERS JOHN DOE #1-2**, being aware that such lack of training, screening, supervision, and discipline leads to improper conduct, acted with deliberate indifference in failing to establish a program of effective training, screening, supervision and discipline. Defendant **NEW YORK CITY POLICE DEPARTMENT** being aware that the persistent and substantial risk of improper detention of persons based upon insufficient or incorrect information, and effective training, screening, supervision and discipline would lessen the likelihood of such occurrences. There are recurrent circumstances which involve such potential danger to the constitutional rights of citizens, more specifically Plaintiff **ROBERT GREGORY** and which are officially tolerated by Defendant **NEW YORK CITY POLICE DEPARTMENT**. Such policies, practices, customs or usages were a direct and proximate cause of the conduct alleged herein and otherwise a direct and proximate cause of the harm/damages alleged herein, in violation of Plaintiff's constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its First, Fourth, Eighth and Fourteenth Amendments.
30. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered specific physical, psychological and emotional injuries, emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A THIRD CAUSE OF ACTION
DEPRIVATION OF RIGHTS UNDER THE
UNITED STATES CONSTITUTION and 42 U.S.C. § 1983
BY POLICE OFFICERS JOHN DOE #1-2

31. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
32. By their conduct and actions in arresting, searching, imprisoning, and failing to intercede on behalf of Plaintiff **ROBERT GREGORY**; in failing to protect him from the unjustified and unconstitutional treatment he received at the hands of Defendants; in retaliating due to something Plaintiff may have said; in failing to have "thick skin"; Defendants **POLICE OFFICERS JOHN DOE #1-2**, acting with animus, and under color of law and without lawful justification, intentionally, maliciously, and with deliberate indifference to and/or a reckless disregard for the natural and probable consequences of his acts, caused injury and damage in violation of Plaintiff's due process clause and constitutional rights as guaranteed under 42 U.S.C. § 1983 and the United States Constitution, including its First, Fourth, Eighth

and Fourteenth Amendments.

33. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered specific physical, psychological and emotional injuries, emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A FOURTH CAUSE OF ACTION
EXCESSIVE FORCE

34. Plaintiff repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
35. Plaintiff was continuously subjected to multiple excessive unnecessary and unreasonable acts of physical force and to unnecessary, and to unreasonable and excessive terms and conditions of his detention, at the hands of defendants under the color of state law, in violation of his rights as guaranteed under the First, Fourth, Eighth and Fourteenth Amendments to the United States Constitution and the Civil Rights Act of 1871, 42 USC § 1983.
36. As a result of the foregoing, Plaintiff was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A FIFTH CAUSE OF ACTION
DERELICTION OF DUTY. DEPRAVED INDIFFERENCE
and FAILURE TO INTERCEDE

37. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
38. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, were under a duty of safeguarding the public and ensuring the appropriate execution of the New York Police Department's role. Plaintiff **ROBERT GREGORY** duly relied on Defendants' fulfillment of their policing duties.
39. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, had an affirmative duty to intercede when Plaintiff **ROBERT GREGORY**'s constitutional rights were being violated in Defendants' presence.
40. At the time of the incident, Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, were observing and aware of the wrongful acts against Plaintiff **ROBERT GREGORY**.

41. At the time of the incident, Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, neglected to intervene on Plaintiff **ROBERT GREGORY**'s behalf in dereliction of their duty to Plaintiff and in depraved indifference to Plaintiff's well-being.
42. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, violated Plaintiff **ROBERT GREGORY**'s constitutional rights when they failed to intercede and prevent the violation or further violation of Plaintiff's constitutional rights and the injuries or further injuries caused as a result of said failure.
43. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A SEVENTH CAUSE OF ACTION
VIOLATION OF PLAINTIFF'S RIGHTS PURSUANT TO
THE COMMON LAW OF THE STATE OF NEW YORK
VIA BATTERY

44. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.
45. Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT**, are vicariously liable to Plaintiff **ROBERT GREGORY** for the individual Defendants', **POLICE OFFICERS JOHN DOE #1-2**, common tort of battery via the principle of *respondeat superior* and that New York CPLR § 1601 does not apply pursuant to the exception provided by CPLR § 1602(1) (b).
46. Defendants **POLICE OFFICERS JOHN DOE #1-2**, committed a battery on Plaintiff **ROBERT GREGORY** by him being grabbed, punched, kneed, kicked, pushed, thrown down and slammed against bars. The deprivation of food, water and sanitary conditions while in custody, was harmful, un-consented, and unjustified and in so doing, Defendants violated the laws and Constitution of the State of New York and otherwise violated Plaintiff's rights under New York Law.
47. That by reason of the battery, Plaintiff **ROBERT GREGORY** was harmed physically and emotionally, all while unlawfully and illegally detained, and that Plaintiff was otherwise harmed as a result of the Defendants' actions.
48. That Defendants **POLICE OFFICERS JOHN DOE #1-2**, committed battery by withholding medical attention and necessary medication; these withholdings were harmful, un-consented, and unjustified and in

so doing, Defendants violated the laws and Constitution of the State of New York and otherwise violated Plaintiff's rights under New York Law.

49. That by reason of the battery, Plaintiff aggravated and exacerbated his medical conditions, specifically his anxiety and prostate problems.

50. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A EIGHTH CAUSE OF ACTION
VIOLATION OF PLAINTIFF'S RIGHTS
UNDER NEW YORK STATE LAW
VIA ASSAULT

51. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.

52. That on the aforementioned date, time and place, Defendants **POLICE OFFICERS JOHN DOE #1-2**, committed the tort of assault against Plaintiff **ROBERT GREGORY** by causing him to be in apprehension of imminent, harmful and offensive touching and in so doing, Defendant violated the laws and Constitution of the State of New York and otherwise violated Plaintiff's rights under New York Law

53. That Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** is vicariously liable to Plaintiff **ROBERT GREGORY** for the individual Defendants' **POLICE OFFICERS JOHN DOE #1-2**, common law tort of assault via the principle of *respondeat superior* and that New York CPLR § 1601 does not apply pursuant to the exception provided by CPLR § 1602(1)(b).

54. That by reason of the aforesaid committed by Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, Plaintiff **ROBERT GREGORY** suffered and continues to suffer physical injury and he was otherwise damaged.

55. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered a loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A NINTH CAUSE OF ACTION
NEGLIGENCE

56. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing

paragraphs with the same force and effect as though fully stated herein.

57. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, negligently caused injuries and otherwise damaged Plaintiff **ROBERT GREGORY**. The acts and conduct of Defendants were the direct and proximate cause of injury to Plaintiff and violated his statutory and common law rights as guaranteed by the laws and Constitution of the State of New York.

58. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered specific physical, psychological and emotional injuries, emotional distress, great humiliation, costs and expenses, and was otherwise damaged and injured.

AS AND FOR A TENTH CAUSE OF ACTION
VIOLATION OF SUBSTANTIVE DUE PROCESS

59. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as though fully stated herein.

60. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, individually and collectively are liable pursuant to 42 U.S.C. § 1983 for abuses against Plaintiff **ROBERT GREGORY** that shock the conscience in violation of the Fourteenth Amendment to the United States Constitution.

61. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, individually and collectively are liable for abuses against Plaintiff **ROBERT GREGORY** that shock the conscience in violation of Article 1, § 5 of the New York State Constitution.

62. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, individually and collectively are liable for abuses against Plaintiff **ROBERT GREGORY** that shock the conscience in violation of New York law, rules and regulations.

63. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

**AS AND FOR A ELEVENTH CAUSE OF ACTION
NEGLIGENT HIRING, SCREENING, RETENTION,
SUPERVISION AND TRAINING**

64. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.
65. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ROBERT GREGORY** a duty to manage, control, and supervise Defendants **POLICE OFFICERS JOHN DOE #1-2**.
66. Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** negligently hired, screened, retained, disciplined, supervised and trained Defendants **POLICE OFFICERS JOHN DOE #1-2**.
67. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ROBERT GREGORY** a duty to hire qualified and sufficient personnel in connection with the operation, management control, teaching at and/or supervision of Defendants **POLICE OFFICERS JOHN DOE #1-2**.
68. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ROBERT GREGORY** a duty to train their employees so as to enable them to properly maintain order and control.
69. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ROBERT GREGORY** a duty to promulgate proper and/or adequate rules and regulations governing the proper care, guidance and/or supervision to be provided and rendered by those agents, servants, officers and/or employees hired as New York City Police Officers.
70. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ROBERT GREGORY** a duty to provide a safe and proper environment.
71. At all times herein mentioned, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** owed Plaintiff **ROBERT GREGORY** a duty to prevent from being assaulted and battered while in their custody and control.
72. At all times relevant hereto, Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and/or said Defendants' agents, servants, employees and/or licensees were,

jointly, severally and concurrently, negligent, careless and reckless in individually and collectively breaching each and every duty owed to Plaintiff **ROBERT GREGORY**.

73. The aforesaid occurrence was caused wholly and solely by reason of the negligence of Defendants **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and/or said Defendants' agents, servants, employees and/or licensees, without any fault or negligence on the part of Plaintiff **ROBERT GREGORY** contributing thereto.

74. Defendant **THE CITY OF NEW YORK** and **NEW YORK CITY POLICE DEPARTMENT** and through Defendants **POLICE OFFICERS JOHN DOE #1-2**, had *defacto* policies, practices, customs and usage, which were a direct and proximate cause of the unconstitutional conduct alleged herein.

75. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

AS AND FOR A TWELVTH CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL HARM

76. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.

77. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, negligently caused emotional distress and damage to Plaintiff **ROBERT GREGORY**. The acts and conduct of Defendants were the direct and proximate cause of emotional injury to Plaintiff and violated his statutory and common law rights as guaranteed by the laws in the U.S. Constitution, the Constitution of the State of New York, and under the Charter, laws, rules and regulations of the City of New York.

78. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

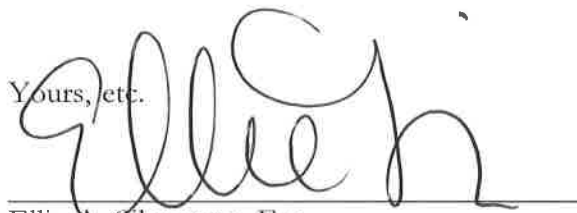
AS AND FOR A THIRTEENTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL HARM

79. Plaintiff **ROBERT GREGORY** repeats and reiterates the allegations set forth in the foregoing paragraphs with the same force and effect as thought fully stated herein.

80. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, knowingly, unreasonably and maliciously sought to disturb Plaintiff **ROBERT GREGORY** by their individual and collective outrageous conduct.
81. This conduct includes, without being limited to, assaulting and battering Plaintiff **ROBERT GREGORY**, unreasonably detaining him, and other intimidation tactics that violated his statutory and common law rights as guaranteed by the laws in the U.S. Constitution, the Constitution of the State of New York, and under the Charter, laws, rules and regulations of the City of New York.
82. Defendants **THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT** and **POLICE OFFICERS JOHN DOE #1-2**, have caused Plaintiff **ROBERT GREGORY** humiliation, anxiety, fear, sleeplessness and severe distress.
83. As a result of the foregoing, Plaintiff **ROBERT GREGORY** was deprived of his liberty, suffered loss of quality and/or enjoyment of life, physical injury, economic injury, psychological injury and emotional distress, great humiliation, costs and expenses, and was otherwise damaged.

WHEREFORE, Plaintiff **ROBERT GREGORY** demands judgment against Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York
September 4, 2014

Yours, etc.


Ellie A. Silverman, Esq.
NOVO LAW FIRM, PC
Attorneys for Plaintiff
ROBERT GREGORY
299 Broadway, 17th Floor
New York, New York 10007
212-233-6686
Our File No. 13-3046


ATTORNEY'S VERIFICATION

ELLIE A. SILVERMAN, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at **NOVO LAW FIRM, PC**, attorneys of record for Plaintiff **ROBERT GREGORY**. I have read the annexed **SUMMONS AND COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein I maintain my offices.

Dated: New York, New York
 September 4, 2014


Ellie A. Silverman, Esq.

Index No.: _____/2014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ROBERT GREGORY,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, POLICE OFFICERS
JOHN DOE #1-2 (the name "John Doe" being fictitious as the true names are presently unknown),
individually and in their official capacity as New York City Police Officers,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

NOVO LAW FIRM, P.C.

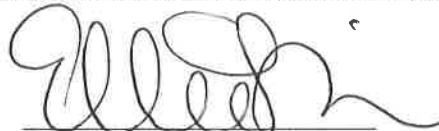
Attorneys for Plaintiff

ROBERT GREGORY

299 Broadway, 17th Floor
New York, New York 10007
(212) 233-6686
Fax (212) 233-6687

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: September 4, 2014


Ellie A. Silverman, Esq.

TO:

THE CITY OF NEW YORK, Municipal Building • New York, New York 10007
NEW YORK CITY POLICE DEPARTMENT, 100 Church Street, New York, New York 10007